

IN RE:

Drake, Keith Allen & Drake, Vickie Lynn

Debtor(s)

Case No. _____

Chapter **13**

CHAPTER 13 PLAN

Dated: **May 6, 2015** .

1. DEBTOR'S PAYMENTS TO TRUSTEE –

a. As of the date of this plan, the debtor has paid the trustee \$ **0.00** .

b. After the date of this plan, the debtor will pay the trustee \$ **1,705.00** per **month** for **38** months, beginning within 30 days after the relief for a total of \$ **64,790.00**. Debtor has \$63.10 deducted weekly from each paycheck in repayment of his 401K loan. The expiration date of this loan is scheduled for July 2018. At the time this loan expires, Debtors will increase their Ch 13 plan payment to \$ **1,978.00** for **1** month. Debtor has \$63.10 deducted weekly from each paycheck in repayment of his 401K loan. The expiration date of this loan is scheduled for August 2018. At the time this loan expires, Debtors will increase their Ch 13 plan payment to \$ **2,084.00** for the remaining **21** months. The minimum plan length is [] 36 or [X] 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.

c. The debtor will also pay the trustee: **n/a**

d. The debtor will pay the trustee a total of \$ **110,532.00** [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE – The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **11,053.20** , [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] – The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

<i>Creditor</i>	<i>Monthly Payment</i>	<i>Number of Months</i>	<i>TOTAL PAYMENTS</i>
Members Co-Op Credit Union	50.00	3	150.00
Santander Consumer Usa	50.00	3	150.00
TOTAL			300.00

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] – The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

<i>Creditor</i>	<i>Description of Property</i>
Hyundai Motor Finance	2013 Hyundai Sonata Vehicle Lease

5. CLAIMS NOT IN DEFAULT – Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

<i>Creditor</i>	<i>Description of Claim</i>
Fed Loan Serv	Student Loan
Fed Loan Serv	Student Loan
Fed Loan Serv	Student Loan
Fed Loan Serv	Student Loan
Fed Loan Serv	Student Loan
Fed Loan Serv	Student Loan
Fed Loan Serv	Student Loan
Fed Loan Serv	Student Loan
Fed Loan Serv	Student Loan
Fed Loan Serv	Student Loan
Fed Loan Serv	Student Loan

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] – The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
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Green Tree Servicing L	606.43	101.07	3	6	606.43
Select Portfolio Svcin	4,688.30	781.38	3	6	4,688.30
TOTAL					5,294.73

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] – The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if any)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
Hyundai Motor Finance	811.12	0.00	162.22	8	5	811.12
Sherburne County Auditor/Treasurer	1,700.00	10.00	370.06	8	5	1,850.29
TOTAL						2,661.41

8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] – The trustee will pay, on account of the following allowed secured claims, the amount set forth in the “Total Payments” column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beginning in Month #	Monthly Payment	Number of Payments	Payments on Account of Claim	Adequate Protection from ¶ 3	TOTAL PAYMENTS
Members Co-Op Credit Union (2012 Kia Sedona)	18,157.00	18,007.00	4.75	4	359.14	56	20,111.94	150.00	20,261.94
Santander Consumer Usa (2012 Kia Soul)	13,987.00	13,837.00	4.75	4	275.97	56	15,454.52	150.00	15,604.52
United Consumer Finl S (Kirby Vacuum)	641.00	641.00	4.00	8	132.67	5	663.37	0.00	663.37
TOTAL									36,529.83

9. PRIORITY CLAIMS – The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimate Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
Heller & Thyen, P.A.	3,500.00	1,166.67	1	3	3,500.00
IRS	1.00	1.00	3	1	1.00
MN Department Of Revenue	1.00	1.00	3	1	1.00
TOTAL					3,502.00

10. SEPARATE CLASSES OF UNSECURED CREDITORS – In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows:

The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Int. Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
None						
TOTAL						0.00

11. TIMELY FILED UNSECURED CREDITORS – The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 51,113.74 [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].

a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00.

b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 51,113.74.

c. Total estimated unsecured claims are \$ 51,113.74 [line 11(a) + line 11(b)].

12. TARDILY-FILED UNSECURED CREDITORS – All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS – The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

The debtor(s) shall provide copies of their federal and state income tax returns to the trustee annually and shall pay the net amount of their combined income tax refunds in excess of \$2,000, less any earned income credit, as additional plan payments, except for 2014 tax refunds that are exempt on Schedules B and C.

Pursuant to 11 U.S.C. Section 1305, a proof of claim may be filed by the Internal Revenue Service for a claim attributable to the taxable year in which the case concerning such debtor(s) was filed. The trustee shall pay the claim, but only to the extent funds are available.

As to the claims dealt with in paragraphs 5, 6, 7, and 8, as well as any purchase money security interests, in the event of the surrender, foreclosure, repossession, or return of the collateral to the creditor for any reason, the balance of the claim, if any, will be paid as an unsecured claim, discharged by the discharge granted pursuant to 11 USC 1328.

The debtor(s) shall not oppose any creditor claiming a purchase money security interest in and to household furnishings, from availing itself of its legal remedies under the Bankruptcy Code, namely, the submission of an application for relief from stay under 11 U.S.C. Sec. 362. Upon appropriate court order regarding relief from the automatic stay provisions of 11 U.S.C. Sec. 362, the debtor shall not oppose a creditor from availing itself of any applicable state law remedies it believes are available for purposes of reclaiming the household furnishings. Upon appropriate order from the Sherburne County Court, the debtor(s) shall surrender the household furnishings to a creditor in compliance with such Sherburne County Court Order, if any.

This is a § 1306 plan. Any pre- and post-petition property of the debtor will remain property of the bankruptcy estate until conversion, dismissal or completion of the plan payments. This includes any post-petition earnings of the debtor.

This plan is intended to pay claims for years which ended before the petition filed under 11 U.S.C. § 502(i).

Select Portfolio Servicing and Green Tree Loan Servicing will accept the Debtor(s) direct monthly mortgage payments and apply said payments to the Debtor(s) forward-moving monthly mortgage obligations.

Select Portfolio Servicing and Green Tree Loan Servicing will recommence issuing monthly mortgage statements within 30 days of the confirmation of the plan.

Debtors will pay 100% of all claims filed, excluding student loans which we be paid direct.

Debtor will keep all quarterly bonuses which are listed on Schedule I.

14. SUMMARY OF PAYMENTS –

Trustee's Fee [Line2]	\$	11,053.20
Home Mortgage Defaults [Line 6(d)]	\$	5,294.73
Claims in Default [Line 8(d)]	\$	2,661.41
Other Secured Claims [Line 8(d)]	\$	36,529.83
Priority Claims [Line 9(f)]	\$	3,502.00
Separate Classes [Line 10(c)]	\$	0.00
Unsecured Creditors [Line 11]	\$	51,113.74
TOTAL [must equal Line 1(d)]	\$	110,532.00

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Signed: /s/ Keith Allen Drake

DEBTOR

Signed: /s/ Vickie Lynn Drake

DEBTOR (if joint case)